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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,949	07/23/2003	Mark S. Carruthers	PC23198A	9910
28523	7590	07/13/2005	EXAMINER	
PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340			EVANS, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,949

Applicant(s)

CARRUTHERS ET AL.

Examiner

Geoffrey S. Evans

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050505</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the Third Party Submission of May 5, 2006, U.S. Patent No. 6,809,288 and U.S. Application Publication No. 2003/0189030 are listed on the PTO-892 form accompanying this office action.

2. The Declaration under 37 CFR 1.31 by David Newbold has overcome the effective date of Tian in U.S. Patent No. 6,756,564 B2.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theeuwes et al. in U.S. Patent No. 4,088,864 in view of Liedtke in U.S. Patent No. 4,027,137. Theeuwes et al. has a laser drilling station, a laser capable of producing a

laser beam, said laser beam being conducted through a laser beam delivery assembly capable of focusing said laser beam at said laser beam drilling station to create an opening in each of said dosage forms; and a dosage form handling assembly capable of transporting individual dosage forms to said laser drilling station. Theeuwes et al. does not disclose a debris removal assembly. Liedtke teaches debris removal assemblies extending from the optical assembly to the workpiece with an inlet(45) for a sweep gas and an outlet (36) connected to a vacuum pump(element 38) for removing debris caused during laser drilling. It would have been obvious to adapt Theeuwes et al. in view of Liedtke to provide this to remove debris created by laser drilling.

6. Applicant's arguments with respect to claims 6-10 have been considered but are moot in view of the new ground(s) of rejection.

7. Claims 1-5 are allowed.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Balliet, Jr. et al. in U.S. Patent No. 5,359,176 has a gas inlet (element 29) and an outlet (41) for removing debris. Otsuki et al. in U.S. Patent No. 5,624,587 has a lens drive mechanism for changing the focus of the laser beam.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700



Paper No. 2005 0808
5-6-05

Docket No. PC23198A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:
CARRUTHERS, M.S. et al.

Serial No.: 10/625,949
Filed: July 23, 2003

Group Art Unit: 1725
Examiner: Geoffrey S. Evans

Patent Application Publication No.: US 2005/0067385 A1
Publication Date: March 31, 2005

For: Pharmaceutical Laser Drilling System

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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DATE OF DEPOSIT: MAY 5, 2005

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RICK MATOS
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

[Signature]
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Third-Party Submission in Published Application (under 37 C.F.R. §1.99)

*ESK
Carruthers
All*

Pursuant to 37 C.F.R. §1.99, the undersigned hereby submits a copy of U.S. Patent No. 6,809,288 (the '288 Patent, which issued October 26, 2004), and U.S. Patent Application Publication No. US 2003/0189,030 A1 (the '030 Publication, which published October 9, 2003 and which corresponds to U.S. Application Serial No. 10/153,226, the '226 Application, filed May 21, 2002). The '226 Application claims the benefit of priority of Provisional Application for Patent No. 60/293,151 filed May 23, 2001.

The examiner is hereby notified of the existence of pending U.S. Continuation-in-Part Application Serial No. 10/957,428 filed October 1, 2004, which application has not yet published and which application claims the benefit of priority of the '226 Application.

The above-cited documents are relevant to pending application serial No. 10/625,949, which published on March 31, 2005 under Publication No. US 2005/0067385 A1.

Enclosed herewith is a check in the amount of \$180, in payment of the fee under 37 C.F.R. §1.17 (p), and a return postcard.

05/06/2005 RFEKADU1 00000021 10625949

01 FC:1806

180.00 OP

Exr.

Geoffrey S. Evans-1-

Date = July 11, 2005